

AMENDED IN SENATE FEBRUARY 18, 2004
AMENDED IN ASSEMBLY JANUARY 6, 2004
AMENDED IN ASSEMBLY SEPTEMBER 29, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 664

Introduced by Assembly Member Correa

February 19, 2003

~~An act to amend Section 10115.5 of the Public Contract Code, relating to public contracts. An act to amend Section 1798.81 of the Civil Code, relating to personal information.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 664, as amended, Correa. ~~Public contracts: reports~~ *Personal information.*

Existing law requires a business to ensure the privacy of a customer's personal information contained in records by destroying, or arranging for the destruction of the records. A customer injured by a violation of those provisions is entitled to institute a civil action to recover damages, obtain injunctive relief, or seek other remedies.

This bill would require a person or entity conducting business in California that shares personal information with offices, affiliates, subcontractors, or subsidiaries outside of the United States to disclose to the customer specific information about the information shared, including the category of personal information, and country where the information is or may be shared.

~~Existing law provides that state agencies are required to prepare and submit an annual report to the Legislature or the Governor specifying~~

~~the level of participation by minority, women, and disabled veteran business enterprises in specified categories of public contracts.~~

~~This bill would require state agencies to include in that report the level of participation by minority, women, and disabled veteran business enterprises in contracts for personnel services provided to state veteran's homes and hospitals.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 10115.5 of the Public Contract Code is~~

2 *SECTION 1. Section 1798.81 of the Civil Code is amended to*
3 *read:*

4 1798.81. (a) A business shall take all reasonable steps to
5 destroy, or arrange for the destruction of a customer's records
6 within its custody or control containing personal information
7 which is no longer to be retained by the business by (1) shredding,
8 (2) erasing, or (3) otherwise modifying the personal information
9 in those records to make it unreadable or undecipherable through
10 any means.

11 (b) Any person or entity that conducts business in California,
12 that for any purpose shares the personal information of customers
13 who are California residents with offices, affiliates,
14 subcontractors, or subsidiaries that are physically located outside
15 of the United States, shall disclose to the customer all of the
16 following:

17 (1) The category of personal information that is or may be
18 shared.

19 (2) The country where the personal information is or may be
20 shared.

21 (3) The purpose for which that personal information is or may
22 be shared.

23 (c) A disclosure pursuant to subdivision (b) shall be clear and
24 conspicuous and in writing, with its own separate subheading.

25 (1) For customers with an established business relationship
26 with a business, the disclosure may be included in the annual
27 privacy disclosure of that business.

1 (2) *For new customers without an established business*
2 *relationship with a business, the disclosure shall be made prior to*
3 *the business entering into any kind of contract with a customer.*

4 ~~amended to read:~~

5 ~~10115.5. (a) Notwithstanding Section 7550.5 of the~~
6 ~~Government Code, on January 1 of each year, each awarding~~
7 ~~department shall report to the Governor and the Legislature on the~~
8 ~~level of participation by minority, women, and disabled veteran~~
9 ~~business enterprises in contracts as identified in this article for the~~
10 ~~fiscal year beginning July 1 and ending June 30. In addition, the~~
11 ~~report shall contain the levels of participation by minority, women,~~
12 ~~and disabled veteran business enterprises for the following~~
13 ~~categories of contracts:~~

14 ~~(1) Construction.~~

15 ~~(2) Purchases of materials, supplies, and equipment.~~

16 ~~(3) Professional services.~~

17 ~~(4) Personnel services provided to state veteran's homes and~~
18 ~~hospitals.~~

19 ~~(5) All contracts for a dollar amount of less than twenty-five~~
20 ~~thousand dollars (\$25,000).~~

21 ~~(b) If the established goals are not being met, the awarding~~
22 ~~department shall report the reasons for its inability to achieve the~~
23 ~~standards and identify remedial steps it shall take.~~